UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH DAKOTA

SOUTHERN DIVISION

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	*	
TIMOTHY DOOP,	*	CIV. 09-4158
	*	
Plaintiff,	*	
	*	
vs.	*	
	*	NOTICE OF RULE 4(m)
DOUGLAS WEBER, Warden, South Dakota	*	
Department of Corrections: JENNY WAGNER,	*	
Native Affairs: TROY PONTO, Secretary of	*	
Corrections: C.O. TERRY REISNER:	*	
The Seven Unknown Inmates:	*	
THE SOUTH DAKOTA DEPARTMENT OF	*	
CORRECTIONS; AMENDA RIETER, Intern,	*	
Native Affairs Office; MARY MONTOYA,	*	
Chapel Volunteer, Native Affairs Office; and	*	
CORPORAL BODDICKER, Special Security;	*	
	*	
Defendants.	*	

Plaintiff Timothy Doop filed this case on October 30, 2009 and the court ordered service on December 18, 2009. All defendants have answered, except Amenda Rieter who has not been served to-date.

Plaintiff is advised of Federal Rule of Civil Procedure 4(m) which states in pertinent part:

If a defendant is not served within 120 days after the complaint is filed, the court - on motion or on its own after notice to the plaintiff - must dismiss the action without prejudice against that defendant or order that service be made within a specified time.

Fed.R.Civ.P. 4(m).

The court hereby places Plaintiff on notice that it will dismiss his claims against Amenda Rieter if service of the summons and complaint is not made upon Ms. Rieter prior to May 14, 2010. Accordingly, it is hereby

ORDERED that Plaintiff shall make proper service of the summons and complaint upon Amenda Rieter on or before May 14, 2010, or this matter shall be dismissed pursuant to Rule 4(m) as to defendant Amenda Rieter, unless Plaintiff can show good cause for his failure to serve defendant Rieter.

Dated this 7th day of April, 2010.

BY THE COURT:

s/John E. Simko

John E. Simko United States Magistrate Judge